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OGC Has Reviewed

A BILL

Relating to the internal security of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (d) and (e) of section one and section four of Title I of the Act entitled "An Act To punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, as amended (50 U.S.C. 31, 34), be and the same are hereby amended to read as follows:

"(d) whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, note, or information relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or

(e) whoever unlawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, note, or information relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or (f) whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, (1) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge

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that the same has been removed from its proper place of custody or delivered to anyone in violation of his trust, or lost, stolen, abstracted, or destroyed, and fails to make prompt report thereof to his superior officer, shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000."

"Sec. 4. If two or more persons conspire to violate the provisions of sections one, two or three of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this title shall be punished as provided by section thirty-seven of the Act to codify, revise, and amend the penal laws of the United States approved March fourth, nineteen hundred and nine."

Section 2. An indictment for any violation of sections 1, 2, 3, or 4 of Title I of the Act entitled "An Act To punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917 (40 Stat. 217), as amended (50 U.S.C. 31-34), may be found at any time without regard to any statute of limitations. This section shall not authorize prosecution, trial or punishment for any offense now barred by the provisions of existing law.

Section 3. Section 1044 of the Revised Statutes of the United States, as amended (18 U.S.C. 582), is hereby further amended to read as follows:

"Section 1044. No person shall be prosecuted, tried, or punished for any offense not capital or not arising under the provisions of sections 1, 2, 3, or 4 of Title I of the Act entitled 'An Act To punish acts of interference

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with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,' approved June 15, 1917 (40 Stat. 217), as amended (50 U.S.C. 31-34), except as provided in section 1046, unless the indictment is found, or the information is instituted, within three years next after such offense shall have been committed: Provided, That nothing herein contained shall apply to any offense for which an indictment has been heretofore found or an information instituted, or to any proceedings under any such indictment or information."

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Section 4. The Act of June 8, 1938 (52 Stat. 631; 22 U.S.C. 611-621), entitled "An Act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes", as amended, is hereby further amended as follows:

(a) Strike out the word "and" at the end of section 1(c)(3), insert the word "and" at the end of section 1(c)(4), and add the following subsection immediately after section 1(c)(4):

> "(5) any person who has knowledge of or has received instruction in the espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or a foreign political party;"

(b) Add the following subsection immediately after section 8(d):

> "8(e) Failure to file a registration statement or supplements thereto as required by section 2(a) and section 2(b) shall be considered a continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary."

Section 5. (a) The Director of the Federal Bureau of Investigation of the Department of Justice, the Director of the Military Intelligence Division of the Department of the Army, the Director of Intelligence, United States Air Force, and the Chief of the Office of Naval Intelligence of the Navy Department are authorized, in the conduct of investigations to ascertain, prevent, or frustrate any interference or any attempts or plans for interference with the national security and defense by treason, sabotage, espionage, seditious conspiracy, violations of neutrality laws, violations of the Act requiring the registration of agents of foreign principals (Act of June 8, 1938, as amended (52 Stat. 631)), violations of the Act

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requiring the registration of organizations carrying on certain activities within the United States (Act of October 17, 1940 (54 Stat. 1201)), or in any other manner, to require that telegrams, cablegrams, radiograms, or other wire or radio communications and copies or records thereof, or that any information obtained by means of intercepting, listening in on, or recording telephone, telegraph, cable, radio, or any other similar messages or communications, be disclosed and delivered to any authorized agent of any one of said investigatorial agencies, without regard to the limitations contained in section 605 of the Communications Act of 1934 (48 Stat. 1103). The information thus obtained shall be admissible in evidence, but only when such evidence is offered in a criminal or civil proceeding in which the government is a party.

(b) No person shall fail to comply forthwith with the request of any duly authorized person, pursuant to this section, for the disclosure and surrender of any telegram, cablegram, radiogram, or other wire or radio communication, or copies or records thereof in his possession or under his control.

(c) No person shall divulge, publish, or use the existence, contents, substance, purport, or meaning of any information obtained pursuant to the provisions of this section otherwise than for the purposes hereinbefore enumerated.

(d) Any person who willfully and knowingly violates any provision of this section shall be guilty of a felony and upon conviction thereof shall be fined not more than $10,000 or imprisoned not more than two years, or both.

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(e) If any provision of this section or the application of such provision to any circumstance shall be held invalid, the validity of the remainder of this section and the applicability of such provision to other circumstances shall not be affected thereby.

(f) For purposes of this section the term "person" shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

Section 6. (a) Whoever willfully shall violate any regulation or order promulgated or approved by the Secretary of the Navy pursuant to lawful authority for the protection or security of vessels, harbors, ports, or water-front facilities, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse, or other unsatisfactory conditions thereon, or the ingress thereto, or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident, or by enemy action, sabotage, or other subversive acts, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than one year, or both.

(b) If any provision of this section or the application of such provision to any circumstance shall be held invalid, the validity of the remainder of this section and the application of such provision to other circumstances shall not be affected thereby.

Section 7. (a) Whoever willfully shall violate any regulation or order promulgated or approved by the Secretary of Defense, or by any military commander designated by the Secretary of Defense, pur-

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sumnt to lawful authority for the protection or security of aircraft, airports, or airport facilities, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse or other unsatisfactory conditions thereon, or the ingress thereto or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident or by enemy action, sabotage or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than one year, or both.

(b) If any provision of this section or the application of such provision to any circumstance shall be held invalid, the validity of the remainder of this section and the application of such provision to other circumstances shall not be affected thereby.

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